

REMARKS

Status of the Claims

Claims 1-7 and 9 are now present in this application. Claim 1 is independent.

No amendment has been made to the claims. Reconsideration of this application is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-7 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagamatsu et al., U.S. Patent Application Publication No. 2004/0206199 (hereinafter “Nagamatsu”) in view of Kodaira, U.S. Patent No. 6,427,799 (hereinafter “Kodaira”). This rejection is respectfully traversed.

A complete discussion of the Examiner’s rejections is set forth in the Office Action, and is not repeated herein. Applicants respectfully submit that independent claim 1 as previously presented has been amended to more clearly clarify the present invention.

In particular, independent claim 1 includes, *inter alia*, the recitation of “...***said first gap substantially overlaps, in an axial direction, with a screwing region between said retaining part and said fixing nut screwed into said retaining part, and wherein said fixing nut is in direct contact with said thrust bearing, and said first gap is larger than a second gap on a part of the spigot-joint fitting part where said first gap is not provided, and within said first gap, an increase in an outer diameter of the retaining part caused when the fixing nut is tightened is absorbed.***” Applicants respectfully submit that the above identified features set forth in claim 1 are not disclosed or suggested by the references relied on by the Examiner.

Specifically, as emphasized in the previous Response, one of the important features of the present invention is that the first gap **substantially overlaps** with the screwing region, so that **an increase in the outer diameter of the retaining part caused when the fixing nut is tightened into**

the screwing region can be efficiently absorbed within the range of the first gap. In that case, the problem in the integration of the first housing and the second housing by spigot-joint fitting can therefore be avoided. However, this feature is absent from the teachings of Nagamatsu and Kodaira.

The Examiner in the Response to Arguments section on page 5 of the Office Action indicated that he disagrees with the above Applicants' arguments because Nagamatsu discloses the preload nut is screwed into an inner face (of the first housing 21) on an opening side. However, the Examiner still did not explain how Nagamatsu teaches "*said first gap substantially overlaps, in an axial direction, with a screwing region between said retaining part and said fixing nut screwed into said retaining part*" as recited in claim 1. Applicants submit that the Examiner's asserted teaching of "the preload nut is screwed into an inner face (of first housing 21) on an opening side" in Nagamatsu does **not** read on the above identified features as recited in claim 1.

In fact, as previously submitted, the screwing portion of the preload nut 56 does **not** substantially overlap the joint seam of the housings 21 and 22; instead, it only partially overlaps, in an axial direction, as clearly shown in Fig. 3 of Nagamatsu.

In addition, the Examiner on page 3 of the Office Action asserted that paragraph [0035] of Nagamatsu teaches "*within said first gap, an increase in an outer diameter of the retaining part caused when the fixing nut is tightened is absorbed*" as recited in claim 1. Applicants respectfully disagree.

In particular, paragraph [0035] of Nagamatsu teaches "the other side of the preload nut 56 is brought into contact with a stopper ring 57 engaged with the inner face of the bearing hole 28 after tightening the preload nut 56, the preload nut 56 is held loosely by the function of the stopper ring 57, and a preload set by tightening during assembly is maintained." However, nowhere in this asserted portion of Nagamatsu teaches providing a gap in the connection section of the first housing 21 and the second housing 22 in order to absorb an increase in an outer diameter of the first housing 21 caused when the preload nut 56 is tightened. Actually, a careful

review of Fig. 3 of Nagamatsu indicates that the connection section of the first housing 21 and the second housing 22 is **NOT** provided in the position where an increase in an outer diameter of the first housing caused when the preload nut 56 is tightened can be absorbed. Therefore, Applicants respectfully submit that not only does Nagamatsu fail to teach or suggest the above mentioned features of claim 1, but also it is impossible for the steering structure of Nagamatsu to achieve the above mentioned feature as the present invention does.

With regard to the Examiner's reliance on Kodaira, on page 3 of the Office Action, the Examiner changed his previous position and instead, refers to the threaded portion where the first housing A and the second housing B are coupled by screwing as the first gap of the present invention and refers to the contact portion where the first housing A contacts the second housing B as the second gap of the present invention (see the annotated Fig. 2 of Kodaira by the Examiner shown on page 3 of the Office Action).

However, Applicants respectfully submit that the gap on the threaded portion (the alleged first gap of Kodaira) is not always necessarily larger than the gap of the contact portion (the alleged second gap of Kodaira). In addition, Applicants respectfully submit that the first gap of the present invention is provided in a part that constitutes a part of the spigot-joint fitting part of the first and second housings and that is located radially outward from a fixing nut screwed into the retaining part in order to apply a tightening force on the thrust bearing from one side, and the first gap substantially overlaps, in an axial direction, with a screwing region between said retaining part and said fixing nut screwed into said retaining part. Clearly, as shown in that annotated Fig. 2 of Kodaira, the alleged first gap by the Examiner does **not** read on the above features as recited in claim 1.

Further, it should be noted that the first gap of the present invention is configured to absorb an increase in an outer diameter of the retaining part caused when the fixing nut is tightened. However, on the contrary, the alleged first gap of Kodaira **cannot** achieve this feature, because if the threaded portion (the alleged first gap of Kodaira) was configured to absorb an increase in the outer diameter caused by the bearing holder ring 32, the coupling of the female threaded portion 36 and the male threaded portion 37 by screwing would be unfixed and

getting loose. However, Kodaira in col. 5, lines 37-51 described that the technology thereof is intended for realizing coupling strength and rigidity of the threaded portion by use of steel and aluminum. Therefore, it is impossible for the threaded portion (the alleged first gap of Kodaira) to be configured loose in order to absorb an increase in the outer diameter caused by the bearing holder ring 32. As such, the alleged first gap of Kodaira cannot achieve the above mentioned feature of the present invention.

Therefore, Applicants respectfully submit that the threaded portion where the first housing A and the second housing B are coupled by screwing in Kodaira cannot be equivalent to the first gap of the present invention. The Examiner is respectfully reminded that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicants' disclosure to create a hypothetical combination merely in order to meet the claimed invention, "to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." In re Wessley, 353 F. 2d 238, 147 U.S.P.Q. 391, 292 (C.C.P.A. 1965)."

In view of the above, Applicants respectfully submit that Kodaira also fails to teach or suggest "...*said first gap substantially overlaps, in an axial direction, with a screwing region between said retaining part and said fixing nut screwed into said retaining part, and wherein said fixing nut is in direct contact with said thrust bearing, and said first gap is larger than a second gap on a part of the spigot-joint fitting part where said first gap is not provided, and within said first gap, an increase in an outer diameter of the retaining part caused when the fixing nut is tightened is absorbed*" as recited in claim 1, and thus fails to cure the deficiencies of Nagamatsu.

In addition, as argued in the previous Reply, Applicants disagree with the Examiner's assertion of "it would have been obvious to a person of ordinary skill in the art to alternatively use the housing and groove of Kodaira with the steering apparatus of Nagamatsu et al. to allow for an adhesive to be applied which allows for a securer fit." However, the Examiner did not respond to those arguments in the outstanding Office Action. Applicants repeat the arguments herewith and request the Examiner to respond to them if the Examiner maintains his position.

Specifically, referring to Fig. 2 and the corresponding disclosure of Nagamatsu, it is noted that the first housing 21 and the second housing 22 are connected together by placing connection flanges 25 and 26 provided on the end faces of the respective housing to face each other and tightening a plurality of fixing bolts 27 in a circumferential direction. In this case, the Examiner is respectfully questioned that why one skilled in the art will be led to abandon the above connection fashion and redesign the housings 21, 22 to make the connection in the manner taught in Kodaira. The Examiner is respectfully reminded that obviousness cannot be proven merely by showing that the elements of a claimed composition were known in the prior art; it must be shown that those of ordinary skill in the art would have had some “apparent reason to combine the known elements in the fashion claimed.” *KSR Int’l Co. v. Teleflex Inc.* 127 S.Ct. 1727,1741 (2007).

It should be noted that the mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). In this case, the Examiner asserted that the motivation is to apply an adhesive which allows for a securer fit. However, Applicants respectfully submit that this asserted motivation by the Examiner is unreasonable and unpersuasive, because such asserted motivation of “applying an adhesive” does not stem from the teaching of Kodaira (since Kodaira teaches a caulking fit through the caulking grooves), and also is not desirable for the invention of Nagamatsu. It is unreasonable for one skilled in that art to replace the connection means for the housings 21, 22 in Nagamatsu with the Examiner’s asserted adhesive connection in a steering device. Applicants respectfully submit that in fact, this asserted motivation is merely conclusory statements of the Examiner without objective evidence of record only in order to “make” the combination reads on the present invention.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant’s disclosure to create a hypothetical combination, which allegedly renders a claim obvious.

In view of the above, it is submitted that the Examiner has not established a *prima facie* basis to deny patentability of the

claimed invention under 35 U.S.C. § 103 for want of the requisite factual basis.

Based on the above, Applicants respectfully submit that since Nagamatsu and Kodaira, either taken alone or in combination, fail to teach each and every claimed feature as recited in claim 1, claim 1 clearly defines over the teachings of Nagamatsu and Kodaira.

In addition, claims 2-7 and 9 depend, either directly or indirectly, from independent claim 1, and are therefore allowable based on their respective dependence from independent claim 1, which is believed to be allowable.

In view of the above amendments to the claims and remarks, Applicants respectfully submit that claims 1-7 and 9 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

Conclusion

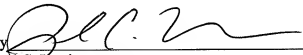
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Paul C. Lewis, Registration No. 43368 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: **January 7, 2011**

Respectfully submitted,

By 
Paul C. Lewis
Registration No.: 43368
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000